

Translation

# PATENT COOPERATION TREATY PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>12278PC</b>	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. <b>PCT/CH2004/000282</b>	International filing date ( <i>day/month/year</i> ) <b>10.05.2004</b>	Priority date ( <i>day/month/year</i> ) <b>13.05.2003</b>
International Patent Classification (IPC) or national classification and IPC		
Applicant <b>ELPATRONIC AG</b>		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;"><b>Box No. I</b></td> <td><b>Basis of the report</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. II</b></td> <td><b>Priority</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. III</b></td> <td><b>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</b></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><b>Box No. IV</b></td> <td><b>Lack of unity of invention</b></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><b>Box No. V</b></td> <td><b>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. VI</b></td> <td><b>Certain documents cited</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. VII</b></td> <td><b>Certain defects in the international application</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. VIII</b></td> <td><b>Certain observations on the international application</b></td> </tr> </table>		<input checked="" type="checkbox"/>	<b>Box No. I</b>	<b>Basis of the report</b>	<input type="checkbox"/>	<b>Box No. II</b>	<b>Priority</b>	<input type="checkbox"/>	<b>Box No. III</b>	<b>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</b>	<input checked="" type="checkbox"/>	<b>Box No. IV</b>	<b>Lack of unity of invention</b>	<input checked="" type="checkbox"/>	<b>Box No. V</b>	<b>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>	<input type="checkbox"/>	<b>Box No. VI</b>	<b>Certain documents cited</b>	<input type="checkbox"/>	<b>Box No. VII</b>	<b>Certain defects in the international application</b>	<input type="checkbox"/>	<b>Box No. VIII</b>	<b>Certain observations on the international application</b>
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CH2004/000282

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))  
 publication of the international application (Rule 12.4)  
 international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- the international application as originally filed/furnished  
 the description:  
 pages 1-13 \_\_\_\_\_ as originally filed/furnished  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the claims:  
 nos. 1-16 \_\_\_\_\_ as originally filed/furnished  
 nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
 nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the drawings:  
 sheets 1/6-6/6 \_\_\_\_\_ as originally filed/furnished  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
- the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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## Box No. IV      Lack of unity of invention

1.  In response to the invitation to restrict or pay additional fees the applicant has:
  - restricted the claims.
  - paid additional fees.
  - paid additional fees under protest.
  - neither restricted the claims nor paid additional fees.
2.  This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
  - complied with.
  - not complied with for the following reasons:

The International Searching Authority has determined that this international application contains multiple (groups of) inventions which are not linked by a single general inventive concept (PCT Rule 13.1), as follows:

I: claims 1, 10-12

II: claims 2-9, 16

III: claims 13-15

All three independent claims (1, 2, 13) contain the following features: processing installation with a conveyor system and a plurality of processing stations which follow one another in the transport direction.

However, these features are already known from EP 1 059 (see the abstract). Consequently, these features do not constitute special technical features within the meaning of PCT Rule 13.2.

4. Consequently, this report has been established in respect of the following parts of the international application:

all parts.

the parts relating to claims Nos. \_\_\_\_\_

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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## 1. Statement

Novelty (N)	Claims	3-9, 14-16	YES
	Claims	1, 2, 10-13	NO
Inventive step (IS)	Claims		YES
	Claims	1-16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

This report makes reference to the following documents:

D1: EP-A-1 059 130 (KORDYLA HANS), 13 December 2000  
 D2: DE 198 27 091 A (KORDYLA HANS), 30 December 1999  
 D3: US-A-6 122 821 (STRIETZEL STEFFEN ET AL), 26 September 2000  
 D4: WO 01/07330 A (VETTER DANIEL; FREY JUERG (CH); ALCAN RORSCHACH AG ((CH))), 1 February 2001

Group I:

1. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)).

1.1 D1 shows a processing installation with a conveyor system and a plurality of processing stations which follow one another in the transport direction. At least one of the processing stations is designed for processing a plurality of separate objects which can be arranged in adjacent object-receiving positions which are spaced apart from

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Box No. V      **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

each other in the processing station, in a direction substantially transverse to the transport direction, and is fitted for that purpose with a number of tools which corresponds to the number of object-receiving positions (see D1, paragraph [0014]). In at least one of the processing stations, individual tools and/or groups of tools are provided, the number of tools in each group being smaller than the number of object-receiving positions in the processing station (see figure 1 and paragraph [0016]). The individual tools and/or groups of tools are arranged as functionally separate units in such a way that the bending forces which act upon each of the tool holders when the processing station is in operation act substantially only upon the individual unit in question (see figure 1 and paragraph [0002], "punching device").

- 1.2 The subject matter of claims 10 and 11 is not novel. D1 discloses a processing installation in which each unit is provided with its own drive (see figure 1, for example (2) and (14)).
- 1.3 The subject matter of claim 12 is not novel. In D1, the processing device is divided in the transport direction into at least two separate units; see figure 1 and paragraph [0016].

Group II

- 2.1 The present application does not meet the

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Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

requirements of PCT Article 33(1) because the subject matter of claim 2 is not novel (PCT Article 33(2)).

D2 shows a processing installation with a conveyor system and a plurality of processing stations which follow one another in the transport direction. The conveyor system is designed for conveying a single row of objects and each of the processing stations is designed for processing a single object (see D2, abstract and figure 1).

2.2 The subject matter of claims 3-9 and 16 is not inventive.

D4 shows a processing installation for manufacturing metal caps with tear-off foils and contains the additional features of claims 3-9 and 16 (see, in particular, pages 1-2).

It is obvious for a person skilled in the art to use these features in the processing installations described in D2.

Group III

3.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 13 is not novel (PCT Article 33(2)).

D3 shows a processing installation in which

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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individual objects arranged in a row can be conveyed one after the other by a conveyor system to processing stations that follow one another in the transport direction, and be processed therein in an object-receiving position, the conveyor system comprising two parallel conveyor belts which can be synchronously driven (see column 3, line 66 - column 4, line 6) and in which individual object receptacles are formed by holding means opposite one another (see column 4, lines 40-46).

- 3.2 The subject matter of claim 14 is not inventive. It is obvious to use the conveyor system described in D3 in a processing installation of the type described in D3.
- 3.3 The subject matter of claim 15 is not inventive. The additional features are obvious to a person skilled in the art, on the basis of his professional knowledge.